

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADAN ABREU,	:	ECF CASE
	:	
Plaintiff,	:	Docket No.: 15-CV-58 (SIL)
	:	
v.	:	
	:	
VERIZON NEW YORK, INC.; DAVID LUCAS,	:	
THOMAS BOLGER, and RICHARD FRANCIS,	:	
	:	
Defendants.	::	
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DEFENDANTS' REQUEST FOR VOIR DIRE

Defendants Verizon New York, Inc. ("Verizon"), David Lucas, Thomas Bolger, and Richard Francis (collectively, "Defendants") request that the Court ask the potential jurors the following voir dire questions.

I. Knowledge of Case, Parties and Counsel.

1. This is a case involving a claim by Plaintiff, Mr. Abreu, that his former employer, Verizon, removed him from an assignment on Fire Island because of his race/national origin, was subject to a hostile work environment, and then retaliated against him because he complained about this removal and was ultimately constructively discharged from his position. Verizon maintains that Mr. Abreu was removed from Fire Island because he violated company policy and that he was neither discriminated, harassed or retaliated against in any way, nor constructively discharged.
2. Do you have any particular knowledge of this case or any of the facts in connection with it, including anything you may have read or heard from any source whatsoever, such as a friend or relative?
3. Have you read in the newspapers, read on the Internet, seen on television, or heard on the radio, anything about this case?
4. Are you acquainted in any way with the Plaintiff in this case, Adan Abreu, or Mr. Abreu's family or friends?

5. Have you or has anyone you know ever had any dealings with the Defendants in this case, Verizon? Thomas Bolger? David Lucas? Richard Francis? If so, please explain. Would it affect your ability to hear this case fairly?
6. Do you know any of the following possible witnesses in this trial:
 - a. Ron Muscarella?
 - b. Christopher Riordan?
 - c. Arthur Paulinosino?
 - d. Stephen Moore?
 - e. Dr. Enoch Chan?
 - f. Susan Williams-Sias?
7. If you know any of these possible trial witnesses, please describe the nature of the relationship. Would this prevent you from impartially considering the evidence and reaching a verdict in this case?
8. Do you have any positive or negative opinions about Verizon? If so, please explain what they are and why you feel that way.
9. Have you ever had Verizon telephone/internet/television service? If so, did that experience give you a positive or negative feeling about Verizon?
10. Have you ever applied for a job with Verizon? Did you get the job?
11. Do you know anyone who is now or has been employed at Verizon? Do you know anyone who is now or has been employed by Verizon in Suffolk County? If so, please state the name of any person, your relationship with the person, when and where they were employed, and what his or her job is or was.
12. Do you know or have you ever had any dealings with any of the parties' attorneys, Frederick Brewington, Cathryn Harris-Marchesi? Paul Galligan? Howard Wexler? Meredith-Anne Berger or their law firms, the Law Offices of Frederick K. Brewington and Seyfarth Shaw LLP? If so, please describe the nature and extent of those contacts.
13. Are you acquainted in any way with the Judge in this case, Judge Steven I. Locke? If so, please describe the nature and extent of your relationship with Judge Locke.

14. Do you know or recognize any of the other prospective jurors? If so, what is the nature of your relationship with him/her?

II. Litigation History.

1. Have you, your family, or any close friends ever been personally involved in a lawsuit, either as a party, witness or otherwise? If so, please describe the nature of the litigation and your association with it, including the type of case, whether you or the other persons identified were a plaintiff or defendant, and the outcome of the case. In general, what were your feelings about the experience? Did you believe the result was fair or unfair and why?
2. Have you, your family, or any close friend ever filed suit or a claim of discrimination or retaliation, or any other type of charge? If so, please describe the nature of the charge or claim.
3. Have you, your family, or any close friend ever filed a grievance, charge, complaint, lawsuit or other type of protest against an employer? If so, please state the circumstances surrounding the action, including the name of the employer, the nature of the protest, when this occurred, the outcome and the other facts and circumstances surrounding the action.
4. Have you ever actually served on a jury before? If so, please describe when, in which court, whether the case was a civil or criminal matter and whether a verdict was returned. Do you consider that experience to be good, bad or otherwise?
5. If it was a discrimination or retaliation case, what was the result? If the verdict was for the plaintiff, what was the amount that was awarded?

III. Employment History.

1. Do you believe you, any member of your immediate family or any close friend was ever treated in a discriminatory manner by an employer? If so, please describe.
2. Have you, any member of your family or any close friend ever been the victim of discrimination based on race? If so, please state when this occurred, and any other details regarding the situation. Please describe your feelings regarding the manner in which the situation was handled.
3. Have you, any member of your family or any close friend ever been the victim of discrimination based on national origin? If so, please state when this occurred, and any other details regarding the situation. Please describe your feelings regarding the manner in which the situation was handled.

4. Have you ever complained to your supervisor or someone else at work about what you considered to be discriminatory conduct or retaliation? If so, what did you complain about? What were the circumstances and what was the outcome?
5. Have you ever been fired from your job? Do you ever feel that you were forced to resign from your job? What were the circumstances? If so, do you believe it was because of factors within, or outside of, your control?
6. Have you ever been a supervisor or a member of management at any place of employment? If so, please state when, for what employer, for how long and in what position.
7. Have you ever had to terminate someone's employment? If so, explain the circumstances.
8. Have you, any member of your immediate family, or any close friend ever held any personnel or human resources job? If so, please state the position or positions held and describe the duties you performed.
9. What is your occupation and title and how long have you been at your current position? If retired, what did you do before?
10. Who are the members of your household? What do they do [occupation]?
11. Have you, any member of your immediate family, or any close friend ever been a member of a labor union? If so, explain the circumstances.
12. Have you, your spouse, children or any close friend or relative ever been accused of discriminating or retaliating against a co-worker?
13. Have you, your spouse, children or any close friend or relative ever been accused of race discrimination?
14. Have you, your spouse, children or any close friend or relative ever been accused of national origin discrimination?
15. Does the fact that this case involves a claim of race discrimination cause you to feel one way or another about the Plaintiff or Defendants?
16. Does the fact that this case involves a claim of national origin discrimination cause you to feel one way or another about the Plaintiff or Defendants?
17. Do you believe that African Americans, are treated unfairly in employment? Why or why not?

18. Do you believe that Hispanics are treated unfairly in employment? Why or why not?
19. What is your opinion about employment discrimination and persons who bring those types of claims?
20. Have you ever had to investigate any claims of misconduct or other forms of inappropriate conduct as the result of an employee filing a complaint on the job? Describe the outcome.

IV. Corporations.

1. Do you feel that just because an individual has sued a company that he is entitled to recover?
2. Do you feel any bias or prejudice against Verizon because it is a corporation or because it is a defendant?
3. In the eyes of the law, all parties, whether individuals or corporations or government entities, are to be treated alike. All parties are entitled to the same honest, fair and impartial treatment. If selected to serve as a juror in this case, would you accept and apply this principle of law?
4. If the evidence justifies it, could you find in favor of the Defendants, just as easily as for the Plaintiff? If the evidence justifies it, could you award damages to the Plaintiff, just as easily as you could find in favor of the Defendants?

V. General.

1. Is there anything in your background about which you think we should know but have not asked that could affect your ability to be a fair and impartial juror in this case?
2. Can you keep an open mind and not come to any conclusions or decisions until you have heard all the evidence presented by Plaintiff and Defendants?
3. Do you have any difficulty reading or understanding English?
4. Do you suffer from any mental or physical disability that might impair your ability to hear or understand court proceedings?
5. Have you or any member of your family attended law school or paralegal school or held any law or paralegal degree?
6. This trial is anticipated to last four trial days. Does this present any hardship for you?

7. Is there any other reason why you believe you would be unable to serve on the jury?

Dated: New York, New York
February 11, 2019

SEYFARTH SHAW LLP

By: /s/ Howard M. Wexler

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2019, I filed the foregoing DEFENDANTS' REQUEST FOR VOIR DIRE with the Clerk of the District Court through the Court's CM/ECF system, which sent notification of such filing to all counsel of record in this action.

/s/ Howard M. Wexler
Howard M. Wexler